

APPEAL NO. 020484
FILED MARCH 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 18, 2001. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____, and, therefore, did not have disability.

The claimant appealed, citing various medical reports which have an impression of cervical and lumbar strain and other reports which note muscle spasms and decreased range of motion and state that the claimant's condition is work-related. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The claimant alleges that he injured his back emptying trash barrels. The hearing officer made very clear that he did not find the claimant credible and had misrepresented his claim history. The hearing officer commented that the claimant "was motivated to assert his claim because he knew he would be terminated for damaging a truck." We have frequently noted that a fact finder is not bound by medical evidence where that medical evidence is dependent on the credibility of the information imparted to the medical provider by the claimant. Rowland v. Standard Fire Insurance Company, 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Terri Kay Oliver
Appeals Judge